

REMARKS

This amendment is filed in response to the office communication dated 03/17/08. It is in response to the restriction of the claims. These remarks follow the order of the paragraphs of the office action. Relevant portions of the office action are shown indented and italicized.

DETAILED ACTION

Election/Restrictions

1. *This application contains claims directed to the following patentably distinct species:*

- *the species shown in Figures 4A-4D*
- *the species shown in Figure 5A*

2. *The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.*

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-7 and 22 are generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely

be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election. The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Applicants respectfully state that as amended in a preliminary amendment all claims except amended claim 1 are canceled.

In order to be responsive to the restriction applicant select the species shown in Figures 4A-4D. This includes claim 1 as amended.

Claim 1 was amended to bring a specific embodiment to allowance quickly as in the listing of the claims. All other claims are canceled herewith.

Applicants again state that they are not conceding in this parent application that the canceled claims are not patentable over any art or other rejections, as the claims are canceled only for facilitating expeditious prosecution of the specific preferred embodiment.

Applicants are respectfully reserving rights to pursue the canceled claims and other claims in one or more continuations and/or divisional patent applications without conceding any claim matter.

The Examiner is requested to allow the specific embodiment as claimed in claim 1 herein. It is anticipated that this amendment results in the allowance of the specific embodiment. If any question remains, please contact the undersigned.

Please charge any fee necessary to enter this paper to deposit account 50-0510.

Respectfully submitted,

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